



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 23 2002

MEMORANDUM

SUBJECT: National Environmental Performance Track Program

FROM: Sylvia K. Lowrance
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Office of Enforcement and Compliance Assurance

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Associate Administrator
Office of Policy, Economics and Innovation

TO: Regional Administrators
Deputy Regional Administrators
Regional Counsel
Enforcement Division Directors
Enforcement Coordinators
Performance Track Coordinators

We are pleased to recognize the new members of the National Environmental Performance Track Program who, together with the Charter members, represent 280 facilities committed to superior environmental performance. We have attached the complete list of member facilities, which we will update as needed. We also expect the Regional Performance Track Coordinators to maintain and regularly distribute the member lists, as a critical component of implementing program incentives and successful management of the program.

An important part of the Performance Track members' leadership role in environmental performance is their commitment to continued compliance. This commitment is evidenced by certain program elements including implementation of an environmental management system (EMS) that requires a commitment to compliance, periodic EMS and compliance audits, and an annual certification of compliance. In recognition of these and other program elements, facilities in Performance Track are given a low priority for routine inspections. These routine inspections comprise the majority of EPA inspections, and generally occur under a scheme in which there is no specific reason to believe that a violation exists at a specific facility. EPA provided this low inspection priority status since the performance and compliance focused EMSs implemented by Performance Track members, and the periodic auditing, should prevent any potential compliance



problems at Performance Track facilities. In limited situations, EPA could inspect Performance Track facilities if we have information that serious problems may exist. Examples of such problems are criminal activity, major compliance problems in a priority area of concern to the Agency, or endangerment.

We remain committed to ensuring full implementation of our promise that Performance Track facilities receive a low priority for routine inspections. Senior enforcement officials in each Region (the Deputy Regional Administrator or Division Director as appropriate) are responsible for ensuring that this policy is implemented and appropriately incorporated into internal planning and accountability processes, as well as planning processes with states and localities. Prior to conducting an inspection of a Performance Track facility, the Deputy Regional Administrator should consult with the Deputy Assistant Administrator for the Office of Enforcement and Compliance Assurance.

We look forward to welcoming more member facilities into the National Environmental Performance Track Program, and to working with you to fully implement the low priority for routine inspections incentive. Regional staff and managers should raise issues requiring headquarters attention expeditiously. Mary Kay Lynch, Director of the Office of Planning, Policy Analysis, and Communications in OECA is available at (202) 564-2574 to assist in working through any such issues.